

REMARKS

Claims 1-7 were pending in the application. Claims 1, 5, and 6 are being amended. Claims 3 and 4 are being canceled. Amendments to claim 1 and 6 are based on the language of the original claims 3 and 4.

Priority under 35 U.S.C. § 119

1. Applicants note that the Examiner acknowledged a claim for foreign priority under 35 U.S.C. § 119(a)-(d) to Polish Patent Application No. P-355707, filed August 26, 2002, and confirmed that all certified copies of the priority documents have been received.

2. Applicants note with appreciation that the Examiner has considered the information disclosure statement (IDS) submitted on August 25, 2003 and made of record in the application file.

3-5. Applicants also note that the Examiner has informed the Applicants in respect to the obligation under 37 CFR 1.56 to point out the inventor and the invention dates of each claim that was not commonly owned. Applicants submit that the invention was commonly owned by all inventors at the time all inventions covered therein were made.

All outstanding requirements will now be addressed in the order they appear in the Office Action mailed May 15, 2007.

6-7. Claim 1-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Budge et al. in view of Paik et al. for claims 1-3 and 6, and further in view of Wolff for claims 4-5 and in view of Arimilli for claim 7. Applicants have canceled claims 3 and 4 and amended claims 1 and 5 by adding features of claim 3 and 4.

In addition, Applicants submit that Budge et al. disclose a device for multiplexing data having a number of bitrate inputs (column 3, lines 39-42). The bitrate inputs may have weight coefficients assigned so as to associate a preference to one input over the remaining inputs (column 3, lines 54-57). Therefore, Budge et al. disclose only one kind of input, namely a bitrate input with a weight coefficient.

However, Budge et al. do not disclose live signal inputs and weight inputs and the particular sequence of sending packets from each type of inputs as claimed in the present application.

The object of the multiplexer according to Budge et al. is to apportion a bitrate to individual inputs in such a way as to meet the individual requirements of each encoder at a point in time (column 3, lines 42-45), and to distribute the total bitrate such as to equalize the percentage difference between the actual and target picture quality for all inputs (column 4, lines 7-10).

In contrast, the object of the multiplexer according to the amended claim 1 is to provide a multiplexer having inputs for transmitting different types of data, namely video streams of different priorities and additional applications. Budge et al. can be also used to multiplex video streams and additional applications, but both types of data are entered via inputs having the same properties defined, i.e., the bitrate and weight coefficient. In contrast, the present invention provides three types of inputs: 1. live streams inputs of the highest priority, where packets are sent immediately and without delay, 2. bitrate inputs where packets are sent taking into account the required bitrate, and 3. weight inputs, where packets are sent with the lowest priority. Live stream and bitrate inputs can be used for sending video streams with desired quality. Weight inputs can be used to send additional applications in periods where the bandwidth is not occupied by video streams.

In light of the arguments and amendments, Applicants respectfully request withdrawal of the rejection with respect to claims 1, 5, and 6 as amended and with respect to claims 2, and 7 as originally filed.

CONCLUSION

In view of the foregoing amendments and remarks, Applicants submit that the pending claims are in condition for allowance. Early and favorable reconsideration is respectfully solicited. Should an extension of time be required, Applicants hereby petition for same and request that the extension fee and any other fee required for timely consideration of this submission be charged to **Deposit Account No. 503182** to the extent that the required fees are not submitted, or not submitted in a correct amount concurrently via EFS-Web.

Customer Number: **33,794**

Respectfully Submitted,

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